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5 | Attorneys for Defendant David Jorgensen

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 UNITED STATES,) Case No.: CR 05-00341 JW
11 Plaintiff,)
12 vs.) STIPULATION AND [REDACTED] ORDER TO
13 DAVID JORGENSEN,) TERMINATE PROBATION EARLY
14 Defendant) Hon. James Ware
)

16 The parties hereby stipulate that this Court should terminate defendant David
17 Jorgensen's probation in the above entitled case pursuant to Rule 32.1(b) of the
18 Federal Rules of Criminal Procedure and 18 U.S.C. § 3564(c) in the interests of
19 justice.

20 In support of this request, Mr. Jorgensen states:

21 1. On August 9, 2004, Mr. Jorgensen pled guilty to one count of aiding and
22 abetting mail fraud, in violation of 18 U.S.C. §§ 1341 and 2, and two counts of aiding
23 and abetting wire fraud, in violation of 18 U.S.C. §§ 1343 and 2. The counts were
24 reflected in two cases -- 04CR00108-001 (PAM) for the mail fraud count and 04CR00169-
25 001 (PAM) for the wire fraud counts.

26 2. On April 8, 2005 the District Court for the District of Minnesota
27 sentenced Mr. Jorgensen to probation for two years, \$1.25 million restitution,
28 \$500,000 fine, and a \$300 special assessment. His probation was placed under the

Stipulation and [Proposed] Order

1 supervision of the U.S. Probation Office for the United States District Court for the
2 District of Minnesota. Judgment was entered April 11, 2005.

3 3. On May 2, 2005, the District Court for District of Minnesota issued two
4 separate orders transferring jurisdiction of the probation for each case to the
5 Northern District of California. In each order, the District Court wrote, "This Court
6 hereby expressly consents that the period of [probation] may be changed by the
7 District Court to which this transfer is made without further inquiry of this Court."
8 (emphasis added).

9 4. On May 3, 2005, the Court amended the judgment to reflect a 2 year term
10 of probation, \$864 restitution payable to United Airlines, \$1.25 million extraordinary
11 restitution, and \$300 special assessment. The probation was as to each case -
12 04CR00108-001 (PAM) and 04CR00169-001 (PAM) - and would run concurrently.

13 5. This Court accepted jurisdiction over these two cases on May 12, 2005,
14 assigning two different case numbers. The docket number CR 05 00341 corresponded to
15 the two wire fraud counts in JW 04CR00169-001 (PAM). CR 05-00332 corresponded to the
16 mail fraud count in JW 04CR00108-001 (PAM).

17 6. The statute governing early termination of probation, 18 U.S.C. §
18 3564(c), provides that "the court may terminate a term of probation previously
19 ordered, . . . if it is satisfied that such action is warranted by the conduct of the
20 defendant in the interest of justice."

21 7. Defense counsel has reviewed the progress of Mr. Jorgensen with his
22 probation officer, Esther Davis, U.S. Probation Officer. Ms. Davis has advised defense
23 counsel that Mr. Jorgensen is fulfilling all the conditions of his probation and is
24 doing well. She does not oppose an early termination of Mr. Jorgensen's probation.

25 8. Mr. Jorgensen has been on probation since April 11, 2005, and has proven
26 that he meets the criterion based on his good conduct for early termination of his
27 probation under 18 U.S.C. § 3564(c). He has paid all fines, special assessments, and
28 restitution required of him.

Stipulation and [Proposed] Order

ACCORDINGLY, the parties hereby stipulate that, in the interest of justice, the Court should terminate Mr. Jorgensen's probation in the above entitled case early pursuant to 18 U.S.C. § 3564(c), and pursuant to Rule 32.1(b). Concurrent with this stipulation, the parties are filing a stipulation to terminate early the corresponding probation in CR 05-00341 JW.

5/10/06

Respectfully Submitted,

RAMSEY & EHRLICH LLP

~~ISMAIL RAMSEY
RAMSEY & EHRLICH LLP~~

KEVIN V. RYAN
UNITED STATES ATTORNEY

SUSAN KNIGHT
ASSISTANT UNITED STATES ATTORNEY

Good cause having been shown, IT IS SO ORDERED.

DATED: 05/30/06

HON. JAMES WARE
UNITED STATES DISTRICT JUDGE

Stipulation and [Proposed] Order

1 ACCORDINGLY, the parties hereby stipulate that, in the interest of justice, the
2 Court should terminate Mr. Jorgensen's probation in the above entitled case early
3 pursuant to 18 U.S.C. § 3564(c), and pursuant to Rule 32.1(b). Concurrent with this
4 stipulation, the parties are filing a stipulation to terminate early the corresponding
5 probation in CR 05-00341 JW.

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Respectfully Submitted,

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13 KEVIN V. RYAN
14 UNITED STATES ATTORNEY
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16 5/11/06
17 SUSAN KNIGHT
18 ASSISTANT UNITED STATES ATTORNEY
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20 Good cause having been shown, IT IS SO ORDERED.
21

22 HON. JAMES WARE
23 UNITED STATES DISTRICT JUDGE
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28 Stipulation and [Proposed] Order